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MEMO ENDORSED

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August 6, 2025

**BY ECF**

Hon. Lewis A. Kaplan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Brown-Allen v. City of New York*, 25-CV-1116 (LAK)**

Dear Judge Kaplan:

I represent Plaintiff, Jeremye Brown-Allen, in the above-referenced matter. I write to respectfully request: (1) that the Court clarify whether this matter is proceeding under Local Civil Rule 83.10 (the “§1983 Plan”) and (2) if it is not, issue an order that the docket reflect that this case is not proceeding under the § 1983 Plan.

As background, on June 25, 2025, the Court held the initial pretrial conference via video-conference. During that conference, the Court set a discovery schedule that contemplates all discovery to be complete by October 15, 2025. *See ECF No. 24*. My recollection is that, during the conference, in response to a question by counsel, Your Honor stated that this matter will proceed “out of the Plan.” Defense counsel does not have the same recollection, and the parties disagree on whether mandatory mediation pursuant to the § 1983 Plan should be held.

The reason why this request is being made is that the parties were recently contacted by the SDNY’s Mediation Office and a mediator regarding scheduling the mediation. Plaintiff’s position is that, if the case is not proceeding under the § 1983 Plan, then no mandatory mediation session should be held.<sup>1</sup>

*the case is not proceeding under the Plan*  
SO ORDERED

*[Signature]*  
LEWIS A. KAPLAN, USDI

*8/6/25*

<sup>1</sup> Of course, Plaintiff is open to potential settlement of the matter. However, it is our position that, given Plaintiff’s serious claims (as the Court noted at the initial pretrial conference) and the parties’ apparent vehement disagreement regarding what happened during Plaintiff’s encounter with the NYPD, a mediation or settlement conference held towards the end of discovery would be a better use of resources.